

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-5401**

**Congressman Pedro R. Pierluisi**  
**Statement on H.R. 848, the Performance Rights Act**  
**Judiciary Committee Hearing**  
***Tuesday March 10, 2009***

Thank you, Mr. Chairman. I commend you for holding this hearing on your bill, H.R. 848, which would remove the exemption from paying performance royalties that over-the-air radio broadcasters—but not other radio platforms—have long been granted under federal law.

I know this issue is of vital importance to broadcasters, record labels, and artists. I believe there are good arguments on both sides, and I have not yet made up my mind whether to support H.R. 848 or the competing resolution, H. Con Res. 49—introduced by Mr. Green—which expresses support for the status quo. I am hopeful that today's distinguished panel will help crystallize the issues for this Committee.

I would note that I have received letters from several broadcasters in Puerto Rico, urging me to co-sponsor Mr. Green's resolution. Along with other members of the Congressional Hispanic Caucus, I have also received a letter from the Spanish Radio Association, a coalition representing several of Hispanic radio's top players. The SRA claims that H.R. 848 would "deal a financial blow to Hispanic radio from which it can't recover."

Mr. Chairman: I do not believe for a moment that this is your intention. To the contrary, I believe your bill tries in good faith to strike a balance between competing interests. I also know you will not seek to move H.R. 848 until we understand the financial impact this legislation might have on the broadcast industry. I know this hearing marks one step in an ongoing effort to craft a fair bill that addresses the legitimate concerns of all parties involved.

In general, I subscribe to the view that artists should be compensated for their hard work. Puerto Rico, like so many of the districts represented on this Committee, has a rich and vibrant musical culture. Besides shortstops, rum and coffee, the Island's musical talent may be its most renowned export. From Tito Puente to Luis Fonsi; Ednita Nazario to Ricky Martin; and Gilbertito Santa Rosa to Don Omar—although I expect this point to be vigorously disputed by other members of this Committee, my extremely biased view is that Puerto Rico may produce as much good music per capita as any other U.S. jurisdiction. I believe that any bill should treat artists in a fair and appropriate manner, while acknowledging the fact that radio clearly provides artists with promotional value.

I thank the Chairman again and I look forward to posing a few questions to our panel.